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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,798	12/04/2003	Phillip M. Adams	2456.2.13.1	6835
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PATE PIERCE & BAIRD 175 SOUTH MAIN STREET, SUITE 1250 SALT LAKE CITY, UT 84111			EXAMINER McCORMICK, GABRIELLE A	
			ART UNIT 3629	PAPER NUMBER
			MAIL DATE 03/23/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/727,798

**Applicant(s)**

ADAMS, PHILLIP M.

**Examiner**

Gabrielle McCormick

**Art Unit**

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☒ Claim(s) 1 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SE-US)  
Paper No(s)/Mail Date 4/12/2004
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Status of Claims***

1. This action is in reply to the application filed on December 4, 2003.
2. Claims 1-22 are currently pending and have been examined.

### ***Information Disclosure Statement***

3. The Information Disclosure Statement filed on April 12, 2004 has been considered. An initialed copy of the Form 1449 is enclosed herewith.

### ***Specification***

4. The amendment to the specification (filed on November 29, 2006) has been entered.

### ***Claim Objections***

5. Claim 7 is objected to for the misspelling of the word "party". It is currently spelled as "part".

### ***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
8. Claim 5 recites "providing the information". It is unclear what information is referred to as the claim cites coding information and first and second catalog information.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. **Claims 1-3, 9-19 and 21-22** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall (US Pub. No. 2002/0049743) in view of Curriculum Sequencing (found at <http://www10.org/cdrom/papers/207/node5.html>, published 2001-02-13).
11. **Claim 1:** Hall discloses
- *selecting, by a student, graduation criteria established by a first course catalog corresponding to a first educational institution;* (P[0021]: clients have access to university curricula and degree plans; Fig. 5: step 504 and P[0029]: client views degree plan to obtain a degree in zoology.)
  - *mining, over a network, first catalog information contained in the first course catalog;* (P[0029]: degree plan is created based on course offerings from a single provider; courses needed to complete the degree are transmitted to client; Fig. 1: Network 102).
  - *selecting course information from the first catalog information with courses satisfying the graduation criteria in accordance with the first catalog.* (P[0029]: courses are organized according to a selected variable such as prerequisites, availability and location.)
12. Hall does not disclose *organizing the graduation criteria into a dependency graph*.
13. Curriculum Sequencing, however, discloses "topics are represented in a dependency graph, with links representing the relationship between topics, which include prerequisite, co-requisite, related, and remedial." (pg. 1; para. 1).
14. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included organizing the degree plan of Hall into the dependency graph of

Curriculum Sequencing for the motivation of providing a method of visually depicting the courses required for a degree and their relationships. Hall discloses that courses have prerequisites, therefore it is an obvious expansion to use a graphical technique to show these relationships.

15. **Claims 2 and 3:** Hall discloses that the selection of courses for the degree plan can be based on course offerings from multiple content providers. (P[0029]).
16. **Claim 9:** Hall discloses determining equivalency of courses. (P[0022]: aggregator correlates courses from a junior college to their equivalent at a university and P[0023]: substantially identical courses are offered).
17. **Claims 10 and 11:** Hall discloses a student selecting a course from a given provider based on cost. (P[0024]).
18. **Claims 12 and 13:** Hall discloses course availability (i.e., scheduling information) and generating a "custom course map degree plan based on course offerings". (P[0029]). The custom course map is understood to comprise a class schedule as it is based on course offerings, availability and location.
19. **Claims 14 and 15:** Hall discloses selecting a degree program (P[0029]) and content providers include universities and colleges (P[0019]).
20. **Claim 16:** Hall discloses degree program requirements and prerequisites. (P[0029]).
21. **Claim 17:** Hall discloses transferring credits (P[0022]). Hall further discloses viewing the degree plan with the courses needed to be completed in order to obtain the degree. (P[0029]). Thus, the transferred courses are imported such that only the courses needed to be completed are viewed.
22. **Claims 18 and 19:** Hall discloses the Internet and servers. (P[0019-0020]).
23. **Claim 21 and 22:** Hall discloses
  - *selecting, by a student, graduation criteria established by a first course catalog corresponding to a first educational institution;* (P[0021]: clients have access to university curricula and degree plans; Fig. 5: step 504 and P[0029]: client views degree plan to obtain a degree in zoology.);

- *mining, over a network, first catalog information contained in the first course catalog;* (P[0029]: degree plan is created based on course offerings from a single provider; courses needed to complete the degree are transmitted to client; Fig. 1: Network 102);
  - *selecting course information from the first catalog information with courses satisfying the graduation criteria in accordance with the first catalog.* (P[0029]: courses are organized according to a selected variable such as prerequisites, availability and location.);
  - *selecting, by the student, preferences with respect to courses used to populate the dependency graph P[0024]];*
  - *creating, for the student, a class schedule in accordance with the preferences.* (P[0029]): The custom course map is understood to comprise a class schedule as it is based on course offerings, availability and location.)
24. Hall does not disclose *organizing the graduation criteria into a dependency graph.*
25. Curriculum Sequencing, however, discloses "topics are represented in a dependency graph, with links representing the relationship between topics, which include prerequisite, co-requisite, related, and remedial." (pg. 1; para. 1).
26. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included organizing the degree plan of Hall into the dependency graph of Curriculum Sequencing for the motivation of providing a method of visually depicting the courses required for a degree and their relationships. Hall discloses that courses have prerequisites, therefore it is an obvious expansion to use a graphical technique to show these relationships.
27. **Claims 4 and 8** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall (US Pub. No. 2002/0049743) in view of Curriculum Sequencing (found at <http://www.10.org/cdrom/papers/207/node5.html>, published 2001-02-13) in further view of Fields et al. (US Pub. No. 2003/0055842, hereinafter referred to as "Fields") and in view of Tam et al. (US Pub. No. 2002/0147656, hereinafter referred to as "Tam").

28. **Claims 4 and 8:** Hall/Curriculum Sequencing does not disclose coding analogous information to enable comparison of the analogous information.
29. Fields, however, discloses determining analogous course information using course title and keyword matching with a match percent threshold (P[0027-0028]). Fields does not disclose standardized codes.
30. Tam, however, discloses using a single UPC to ensure that an item from a plurality of suppliers is compared. (P[0021]).
31. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included a standardized code, as disclosed by Tam, in the system of Fields for the motivation of facilitating transfer credit determinations. In P[0049], Fields discloses that future transferees from the same college will have their information evaluated against the stored course description. By expanding Fields to include a standardized code, the evaluation is simplified.
32. It also would have been obvious to one of ordinary skill in the art at the time of the invention to have included Fields' method of determining analogous courses in the system of Hall for the motivation of correlating transfer credits to another institution, as well as determining a "substantially identical course" (Hall; P[0024]).
33. **Claims 5-7** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall (US Pub. No. 2002/0049743) in view of Curriculum Sequencing (found at <http://www10.org/cdrom/papers/207/node5.html>, published 2001-02-13) in view of Fields et al. (US Pub. No. 2003/0055842, hereinafter referred to as "Fields") in view of Tam et al. (US Pub. No. 2002/0147656, hereinafter referred to as "Tam") in further view of Danner et al. (US Pat. No. 6,711,618, hereinafter referred to as "Danner").
34. **Claims 5, 6 and 7:** Hall discloses a third party (P[0021]) but does not disclose XML tags or pages.
35. Danner, however, discloses XML pages and XML tags embedded in HTML code. (C8; L57-65).

36. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included XML tags and pages, as disclosed by Danner, in the system of Hall for the motivation of providing formatting instructions and providing the content for display.
37. **Claim 20** is rejected under 35 U.S.C. 103(a) as being unpatentable over Hall (US Pub. No. 2002/0049743) in view of Curriculum Sequencing (found at <http://www10.org/cdrom/papers/207/node5.html>, published 2001-02-13) in view of Danner et al. (US Pat. No. 6,711,618, hereinafter referred to as "Danner").
38. **Claim 20:** Hall discloses
- *selecting, by a student, graduation criteria established by a first course catalog corresponding to a first educational institution;* (P[0021]: clients have access to university curricula and degree plans; Fig. 5: step 504 and P[0029]: client views degree plan to obtain a degree in zoology.)
  - *mining, over a network, first catalog information and second catalog information;* (P[0029]: degree plan is created based on course offerings from multiple content providers; courses needed to complete the degree are transmitted to client; Fig. 1: Network 102).
  - *selecting course information from the first catalog information and the second catalog information with courses satisfying the graduation criteria in accordance with the first catalog.* (P[0029]: courses are organized according to a selected variable such as prerequisites, availability and location from multiple content providers.)
39. Hall does not disclose *organizing the graduation criteria into a dependency graph*.
40. Curriculum Sequencing, however, discloses "topics are represented in a dependency graph, with links representing the relationship between topics, which include prerequisite, co-requisite, related, and remedial." (pg. 1; para. 1).
41. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included organizing the degree plan of Hall into the dependency graph of Curriculum Sequencing for the motivation of providing a method of visually depicting the courses

required for a degree and their relationships. Hall discloses that courses have prerequisites, therefore it is an obvious expansion to use a graphical technique to show these relationships.

- 42. Hall discloses a network (Fig. 1) but does not disclose XML tags or pages.
- 43. Danner, however, discloses XML pages and XML tags embedded in HTML code. (C8; L57-65).
- 44. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included XML tags and pages, as disclosed by Danner, in the system of Hall for the motivation of providing formatting instructions and providing the content for display.

### ***Conclusion***

- 45. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- 46. The following U.S. patent are cited to further show the best domestically patented prior art found by the examiner:
  - a. U.S. Pub. No. 2004/0133546 to Oni
- 47. Additional Literature has been referenced on the attached PTO-892 form, and the Examiner suggests the applicant review these documents before submitting any amendments.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gabrielle McCormick whose telephone number is (571)270-1828. The examiner can normally be reached on Monday - Thursday (5:30 - 4:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/G. M./  
Examiner, Art Unit 3629

/JOHN G WEISS/  
Supervisory Patent Examiner, Art Unit 3629